S.B.Cr.Misc. Second Bail Appl. No. 4301/2007

(Mahendra Singh vs. State of Rajasthan)

Date of order : September 03, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.G.R.Bhari, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

This is second bail application. The first bail application came to be dismissed as not pressed when the matter was at the investigation stage.

Learned counsel for the petitioner submits that after investigation, the police has filed the challan. He has placed on record the challan papers and the statement of the prosecutrix recorded by the A.C.J.M., Bhadra under section 164 Cr.P.C.. The prosecutrix has not levelled any allegation against the present petitioner.

I have gone through the statement of the prosecutrix. In whole of the statement, the allegation of rape is against co-accused Indra Pal. No allegation of rape is against the present petitioner, even no overt act has been assigned to him.

Having heard learned counsel for the petitioner and the Public Prosecutor for the State and looking to the facts and circumstances of the case and taking into account the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Mahendra Singh s/o Har Lal be released on bail in FIR No.3893/2007, P.S. Nohar, Distt. Hanumangarh provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-